



August 18, 2011

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Communication, MB Docket No. 11-43

Dear Ms. Dortch:

On August 17, 2011, Jane Mago and the undersigned of the National Association of Broadcasters (NAB) met with Sherrese Smith, Senior Counsel & Legal Advisor for Media, Consumer and Enforcement Issues, in the Office of Chairman Genachowski.

The purpose of the meeting was to discuss the rules governing the implementation of Video Description, MB Docket No. 11-43. We reiterated our position that, due to the significant technical challenges, as well as the realities of the broadcast network program production schedule, video description programming requirements should not become effective until October 1, 2012.¹

As we discussed in our comments, we discussed specific technical recommendations of the ATSC DTV standard A/53, Part 5 and mobile DTV service. *Id.* at pp. 7-8, and 22-23, respectively. We urged the Commission to harmonize video description pass-through requirements for mobile DTV transmissions with mobile DTV device capabilities as articulated in the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA).²

¹ See Comments of the National Association of Broadcasters, In the Matter of Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, MB Docket No. 11-43, April 28, 2011 at pp. 15-17.

² See NAB Comments at p. 22, citing CVAA § 204(d) ("Deferral of Compliance with ATSC Mobile DTV Standard A/153. --- A digital apparatus designed and manufactured to receive or play back the Advanced Television Systems Committee's Mobile DTV Standards A/153 shall not be required to meet the requirements of regulations prescribed [to implement video

1771 N Street NW
Washington DC 20036 2800
Phone 202 429 5300

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We also discussed the timing for stations that may become affiliates of the top-four commercial networks in the top 25 markets after the effective date of the rules, and their obligations under the Congressional timetables contemplated by the CVAA. *Id.* at p. 11. A broadcast licensee not currently a top-four network affiliate may in the future become a top-four affiliate but may not at that time be technically ready to pass through video description. That station will need a reasonable period to become technically capable. The CVAA itself does not require an immediate imposition of the video description rules on a station that newly becomes a "top-four, top-25" affiliate, and NAB anticipates that without such a grace period, a station in this situation would seek a waiver of the rules.

Accordingly, rather than burdening Commission staff with waiver requests, a reasonable phase-in period of at least three months (but preferably six months), and in regulatory parity with other providers of video description, should be permitted to allow such stations time to become technically capable of passing through video description.

Finally, we also discussed the issues surrounding the technical capability of pass-through requirements for stations outside the Top 25 markets, the 2000 Order, and Congressional timetables as contemplated by the CVAA. *Id.* at p. 14.

Please direct any questions regarding these matters to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ann West Bobeck". The signature is stylized with a large, looped initial "A" and a cursive "B".

Ann West Bobeck
Senior VP and Deputy General Counsel
Legal and Regulatory Affairs

cc: Sherrese Smith

description capabilities] for a period of not less than 24 months after the date on which the final regulations are published in the Federal Register.”).